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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,919	04/20/2004	Michael J. Adang	UGR-100XD1	6165
23557 7590 09/17/2008 SALIWANCHIK LLOYD & SALIWANCHIK A PROFESSIONAL ASSOCIATION PO BOX 142950 GAINESVILLE, FL 32614-2950				
			EXAMINER	
			LIU, SUE XU	
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			09/17/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation Sheet

Item 3

Applicant's proposed amendments would bring new structural and/or functional limitations (e.g. "an insecticidal Cry toxin"; "an insecticidally active fragment of a full-length Cry protein") into the pending claims (e.g. Claims 20 and 38), and thus would require new searches in both prior art considerations and other issues for patentability determination. Thus, the proposed claim amendments as filed on 8/14/08 will not be entered.

Item 11

Applicants' arguments of the outstanding rejections are based on the proposed claim amendments and/or arguments presented previously. As discussed under Item 3, the instant claims as would be amended are not entered due to consideration of new issues. Applicants are also directed to the previously mailed Office action (mailed on 4/14/08) for answer to arguments.

All outstanding claim objections/rejections as set forth in the previous office action are maintained for the reasons of record.

SL
AU 1639

/JD Schultz, PhD/
Supervisory Patent Examiner, Art Unit 1635